

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS P. KLOCKER,

Defendant.

INFORMATION

CASE NO.

JUDGE

Title 18, United States Code, Section 371

1:08CR403

JUDGE POLSTER

The United States Attorney Charges:

1. At all times material herein, Midwest Metals, Inc. (Midwest), was an Ohio based corporation located in Westlake, Ohio, operating as a non-stocking metal distributor.
2. At all times material herein, the defendant, THOMAS P. KLOCKER, was the president and owner of Midwest.
3. At all times material here, an unindicted co-conspirator, JE, worked for Midwest and had a variety of duties to include reviewing requests for quotes for metal, locating materials.

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shipping and receiving orders, processing paperwork, and obtaining mill certifications and certificates of conformance for metal purchased by Midwest for distribution.

THE CONSPIRACY

4. From on or about January 18, 2007 through on or about March 7, 2007, the exact dates being unknown to the U. S. Attorney, in the Northern District of Ohio, Eastern Division, the defendant, THOMAS P. KLOCKER and an unindicted co-conspirator JE, unlawfully, willfully, and knowingly, did combine, conspire, confederate and agree together and with each other to violate the law of the United States, to wit: commit mail fraud, in violation of Title 18, United States Code, Section 1341.

Manner and Means

5. On or about January 18, 2007, Midwest Metals, Inc. received a written inquiry from Sigma Metal (Sigma), a corporation located outside the state of Ohio, to determine if Midwest could supply said company aluminum sheets specified as 7475-T7651 grade, a highly unusual and very specific grade of aluminum.

6. JE quoted a price to Sigma for said aluminum although Midwest did not have any aluminum of said grade at the time the quote was provided.

7. On January 23, 2007, in response to Sigma's inquiry, JE informed Sigma that the producing mill for the aluminum quoted was Alcoa, even though Midwest had not located the aluminum from any mill.

8. On January 24, 2007, Midwest received a purchase order from Sigma for 7475-T7651 aklad aluminum.

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9. Unable to fill the purchase order with the grade aluminum specified by Sigma, JE communicated with defendant, THOMAS P. KLOCKER, and JE and THOMAS P. KLOCKER agreed to fill the order with a common grade 7075-T6 aluminum received from a mill other than Alcoa.

10. On or about February 21, 2007, JE removed the original stenciling 7075-T6 from non-Alcoa manufactured aluminum of that grade and re-stenciled it to reflect that it was Alcoa 7475-T7651 aklad aluminum. The non-conforming aluminum falsely bearing the grade and mill identifiers was shipped via an interstate carrier to Sigma on or about February 26, 2007.

11. On or about March 7, 2007, the exact date being unknown to the United States Attorney, Sigma requested from Midwest the material certification form completed by the manufacturing mill. In response, defendant THOMAS P. KLOCKER and JE used an old Alcoa material certification and changed it in order to falsely reflect that the aforementioned materials previously shipped to Sigma were Alcoa 7475-T7651 grade aluminum. Said false certification was sent to Sigma via interstate carrier on or about March 7, 2007, the exact date being unknown to the United States Attorney.

Overt Acts

12 In furtherance of the conspiracy and to effect its unlawful objects, the defendant, THOMAS P. KLOCKER, and unindicted co-conspirator JE committed the following overt acts, among others, in the Northern District of Ohio, Eastern Division, and elsewhere:

a. On or about January 23, 2007, JE falsely informed Sigma that the producing mill for the aluminum quoted was Alcoa when Midwest had not located aluminum to satisfy Sigma's quote.

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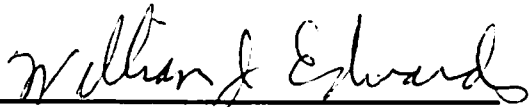
b. Sometime between January 24, 2007 and February 21, 2007, JE and THOMAS P. KLOCKER agreed to fill Sigma's order for 7475-T7651 aklad aluminum with the common grade 7075-T6 aluminum manufactured by a mill other than Alcoa.

c. On or about February 24, 2007, JE re-stenciled non-Alcoa manufactured aluminum of the grade 7075-T6 to falsely reflect that it was Alcoa aluminum of the grade 7475-T7651.

d. On or about February 26, 2007, JE shipped the non-conforming aluminum identified in paragraph 12(c) to Sigma utilizing and interstate carrier.

e. On or about February 28, 2007, JE and THOMAS P. KLOCKER agreed to and did falsify a material certification that they mailed to Sigma falsely stating that the aluminum Sigma received from Midwest in February 2007 was Alcoa 7475-T7651 aluminum.

All in violation of Title 18, United States Code, Section 371.


WILLIAM J. EDWARDS
Acting United States Attorney